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File No. Coroners II

51 (N)

Legal Department

B **BRANCH**

Subject:— Notifications under the Coroners Act, 1871

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File No. Coroners II/51 (N)

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Office of the A.L.A.

The view taken by the Coroner of Bombay that if the cause of death is not known and even though the hospital authorities may think that the cause of death may be due to natural causees and if hospital authorities desire to hold a post-mortem examination the permission of the office to hold a post-mortem examination would be necessary even though the relatives may authorise post-mortem examination is not correct. Section 8 of the Coroners Act, 1871, provides for causes in which the coroner has jurisdiction. Section 8 provides that when the cornner is informed that ---

(a) a dead body of a person is lying an there is reasonable cause to suspect that the deceased had died under any of the circumstances mentioned in section 9.

b) that the deceased has died sudden death of which the cause is unknown.

The circumstances mentioned in section 9 are (1) death due to homicide, suicide, infanticide, (2) death caused by accident, poison or machinery, (3) death caused by a vehicle, (4) death occurring in a prison, (5) death occurring in circumstances which are prejudicial to the public health and safety.

Section 9 refers to any other case in which the Coroner considers an inquest by a jury is necessary. But this provision does not extend his jurisdiction to the cases provided for in section 8. The Coroner's jurisdiction arises only in the cases mentioned above and it is not open to him to calim that he has jurisdiction in any other case. Unless the hospital authorities give information to the Coroner or information is received by him from any other source that the death has occurred in the circumstances referred to in section 8 read with section 9 the Coroner has no jurisdiction to hold an inquest. To hold otherwise would

not be in accordance with the provisions of the Coroners Act. In RE HULL L.R. 9 Q.B., 1881-82 page 689 at page 697 It is state that "unless there be a reasonable ground of suspicion that the party came to his death by violent and unnatural means, there is no occassion (except in the case of a person dying in jail) for the interference of the coroner." It is also held in the Queen v/s. Price L.R. 12 Q.B. page 247 at page 248 that "the Coroner has not an absolute right to hold inquest in every case in which he chooses to do so. It would be intolerable if he had power to intrude without adequate cause upon the privacy of a family in distress and to interfere with their arrangements for a funeral. Nothing can justify such interference except a reasonable suspicion that there may have been some thing peculiar in the death, that it may have been due to other causes than common illness." In the present case the Coroner contends that he has a right not to allow any post-mortem examination even when the hospital authorities are satisfied that the death is due to natural causes and not in any of the circumstances mentioned in section 8 read with section 9. The contention of the Coroner is without substance and if he persists in claiming such jurisidction he would be acting in excess of his jurisdiction and would make himslef liable to the penalty under section 41, of the Coroners Act, 1871.

Sd/- J.R.Dhurandhar

O.C. 19/11

Remembrancer of Legal Affairs.

H.S. (Health)

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